

FRIARWOOD SURGERY

Children's Privacy Notice (England)

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1 Introduction

1.1 Policy statement

NHS Digital collects information with the purpose of improving health and care for everyone. The information collected is used to:¹

- Run the health service
- Manage epidemics
- Plan for the future
- Research health conditions, diseases and treatments

1.2 Principles

NHS Digital is a data controller and has a legal duty, in line with the UK General Data Protection Regulation (UK GDPR), to explain why it is using patient data and what data is being used. Similarly, *Friarwood Surgery* has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

1.3 Status

The organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the [Equality Act 2010](#). Consideration has been given to the impact this policy might have with regard to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

1.4 Training and support

The organisation will provide guidance and support to help those to whom it applies to understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

2 Scope

2.1 Who it applies to

This document applies to all children who are patients of Friarwood Surgery.

¹ [NHS Digital – How we look after your health and care information](#)

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2.2 Why and how it applies to them

All staff should be aware of the children's privacy notice and be able to advise patients, their relatives and carers what information is collected, how that information may be used and with whom the organisation will share that information.

The first principle of data protection is that personal data must be processed fairly and lawfully. Being transparent and providing accessible information to patients about how their personal data is used is a key element of the UK General Data Protection Regulation.

3 Definition of terms

3.1 Privacy notice

A statement that discloses some or all of the ways in which the organisation gathers, uses, discloses and manages a patient's data. It fulfils a legal requirement to protect a patient's privacy.

3.2 Data Protection Act 2018 (DPA18)²

The Data Protection Act (DPA18) will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

3.3 Information Commissioner's Office (ICO)³

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

3.4 UK General Data Protection Regulation (UK GDPR)⁴

The GDPR replaced the Data Protection Directive 95/46/EC and was designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way in which organisations across the region approach data privacy. The GPDR came into effect in May 2018.

3.5 Data controller

The entity that determines the purposes, conditions, and means of the processing of personal data

3.6 Data subject

A natural person whose personal data is processed by a controller or processor

² [Data Protection Act 2018](#)

³ [ICO](#)

⁴ [GDPR](#)

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4 Compliance with regulations

4.1 UK GDPR

In accordance with the UK GDPR, this organisation will ensure that information provided to subjects about how their data is processed will be:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge

4.2 Article 5 compliance

In accordance with Article 5 of the UK GDPR, this organisation will ensure that any personal data is:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

Article 5 also stipulates that the controller shall be responsible for, and be able to demonstrate compliance with, the above.

4.3 Communicating privacy information

At Friarwood Surgery, the organisation's privacy notice is displayed on our website, through signage in the waiting room and in writing during patient registration. We will:

- Inform patients how their data will be used and for what purpose
 - Allow patients to opt out of sharing their data, should they so wish
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4.4 What data will be collected?

At Friarwood Surgery, the following data will be collected:

- Patient details (name, date of birth, NHS number)
- Address and NOK information
- Medical notes (paper and electronic)
- Details of treatment and care, including medications
- Results of tests (pathology, X-ray, etc.)
- Any other pertinent information

4.5 National data opt-out programme

The national data opt-out programme introduced in May 2018 affords patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used solely for their individual care and treatment or also used for research and planning purposes.⁵

Patients who wish to opt out of data collection can register a national data opt out.

Unfortunately, patients cannot register for the national data opt out programme via their own GP. However, they can choose to opt out by using one of the following methods:

- [Online service](#) – Patients registering need to know their NHS number or their postcode as registered at their GP practice
- Telephone service 0300 303 5678 which is open Monday to Friday between 0900 and 1700
- NHS App – For use by patients aged 13 and over (95% of surgeries are now connected to the NHS App). The app can be downloaded from the App Store or Google Play
- [“Print and post” registration form](#)

Coupled with this application form, photocopies of proof of applicant’s name (e.g., passport, UK driving licence etc.) and address (e.g., utility bill, payslip etc.) need to be sent to:

NHS
PO Box 884
LEEDS
LS1 9TZ

Note: It can take up to 14 days to process the form upon receipt

⁵ [NHS Digital National data opt-out programme](#)

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5 General practice data for planning and research data collection

5.1 About

This data collection will help the NHS to improve health and care services for everyone by collecting patient data that can be used to do this.

The GDPR is designed to help the NHS to:

- Monitor the long-term safety and effectiveness of care
- Plan how to deliver better health and care services
- Prevent the spread of infectious diseases
- Identify new treatments and medicines through health research

5.2 Data sharing

Data may be shared from GP medical records for:

- Any living patient registered at a GP practice in England when the collection started – this includes children and adults
- Any patient who died after this data sharing started and was previously registered at a GP practice in England when the data collection started

NHS Digital will not share the patient's name or demographic details. Any other data that could directly identify the patient will be replaced with unique codes which are produced by de-identification software before the data is shared with NHS Digital.

This includes:

- NHS number
- General Practice Local Patient Number
- Full postcode
- Date of birth

This process is called pseudonymisation and means that no one will be able to directly identify the patient in the data.

It should be noted that NHS Digital will be able to use the same software to convert the unique codes back to data that could directly identify the patient in certain circumstances, and where there is a valid legal reason.

NHS Digital has the ability to do this.

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5.3 What information can and cannot be shared

NHS Digital will collect structured and coded data from patient medical records including:

- Data about diagnoses, symptoms, observations, test results, medications, allergies, immunisations, referrals, recalls and appointments including information about physical, mental and sexual health
- Data on sex, ethnicity and sexual orientation
- Data about staff who have treated patients

NHS Digital will not collect:

- Name and address (except for postcode, protected in a unique coded form)
- Written notes (free text), such as the details of conversations with doctors and nurses
- Images, letters and documents
- Coded data that is not needed due to its age – for example medication, referral and appointment data that is over 10 years old
- Coded data that GPs are not permitted to share by law – for example certain codes about gender re-assignment

5.4 Opting out

Patients who do not want their identifiable patient data to be shared for purposes except for their own care can opt-out by registering a [Type 1 Opt-out](#) or a [national data opt-out \(NDO-O\) or both](#). NHS Digital will not collect any patient data for patients who have already registered a Type 1 Opt-out in line with current policy.

There have been several start dates for the new General Practice Data for Planning and Research Data Collection (GPDPR)⁶. However, following consultation with the BMA and RCGP, the Department of Health and Social Care has confirmed in its letter⁷ dated 19th July 2021 that there will no longer be any specific start date for this programme for health and care organisations to comply with the national data opt out.

Furthermore, patients do not need to register a Type 1 opt-out by 1st September to ensure their GP data will not be uploaded.

a. Type 1 Opt-out

A Type 1 Opt-out is to opt out of NHS Digital collecting a patient's data.

⁶ [GDPR](#)

⁷ [DHSC letter dated 19 Jul 21](#)

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If patients do not want their patient data shared with NHS Digital for the purposes of planning or research, they can register a Type 1 Opt-out with the GP practice. Patients can register a Type 1 Opt-out at any time and additionally may reverse their decision at any time by withdrawing their Type 1 Opt-out.

If a patient registers a Type 1 Opt-out after the collection has started, no more of the patient's data will be shared with NHS Digital. They will, however, still hold the patient data that was shared before the Type 1 Opt-out was registered.

If patients have previously registered a Type 1 Opt-out and they would like to withdraw this, they can also use the form to do this. The form can be sent by post or email to the GP organisation or the patient can call 0300 303 5678 for a form to be sent to them.

b. National data opt-out (NDO-O)

NDO-O is opting out of NHS Digital sharing your data.

The NDO-O will also apply to any confidential patient information shared by the GP practice with other organisations for purposes except a patient's individual care. It will not apply to this data being shared by GP practices with NHS Digital, as it is a legal requirement for this organisation to share this data with NHS Digital and the NDO-O does not apply where there is a legal requirement to share data.

5.5 Available resources

The following resources are available for staff at Friarwood Surgery:

- [National Data Guardian for Health and Care – review of data security, consent and opt outs](#)
- [National data opt out – data protection impact assessment](#)
- [National data opt out training](#)
- [Compliance with the national data opt out](#)
- [Guidance for health and care staff](#)
- [Supporting your patients – information and resources](#)
- [Information for GP practices*](#)
- [Understanding the national data opt out](#)

*At the time of publication, the advice on this NHS Digital webpage still advises that there is a deadline of 30th September. Note that this date has been superseded in the DHSC letter dated [19th July 2021](#).

Further information is available within the [National data opt out guidance](#).

6 Further information

6.1 Privacy notice checklists

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The ICO has provided a privacy notice checklist that can be used to support the writing of the organisation's privacy notice. The checklist can be found by following this [link](#).

6.2 Privacy notice template

A privacy notice template can be found at [Annex A](#).

It is recognised that the type and style of privacy notices may vary. However, this privacy notice template has been reviewed as appropriate by a current data protection officer. It is acknowledged to be extensive and covers all eventualities that may occur around information governance.

6.3 e-Learning



Both [General Data Protection Regulation \(GDPR\)](#) and [GDPR – The Perfect Practice](#) e-Learning courses are available on the HUB.

7 Summary

It is the responsibility of all staff at Friarwood Surgery to ensure that children understand what information is held about them and how this information may be used.

Furthermore, the organisation must adhere to the DPA18 and the UK GDPR to ensure compliance with extant legal rules and legislative acts.

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Annex A – Children’s Privacy Notice

Friarwood Surgery has a legal duty to explain how we use any personal information we collect about you, as a registered patient, at the organisation. Staff at this organisation maintain records about your health and the treatment you receive in electronic and paper format.

WHAT IS A PRIVACY NOTICE AND WHY DOES IT APPLY TO ME?

A privacy notice tells people how organisations use information that they hold about them. A new law called the UK General Data Protection Regulation 2016, also known as GDPR, says that we need to provide you with this privacy notice and let you know:



- What information we hold about you
- How we keep this especially important information safe and secure and where we keep it
- How we use your information
- Who we share your information with
- What your rights are
- When the law gives us permission to use your information

WHY DOES THE LAW SAY YOU CAN USE MY INFORMATION?

The law gives us permission to use your information in situations where we need it to take care of you. Because information about your health is very personal, sensitive and private to you, the law is very strict about how we use it.



So, before we can use your information in the ways we have set out in this privacy notice, we have to have a good reason in law which is called a 'lawful basis'. Not only do we have to do that, but we also have to show that your information falls into a special group or category because it is very sensitive. By doing this, the law makes sure we only use your information to look after you and that we do not use it for any other reason.

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If you would like more information about this, please ask to speak to our data protection officer (DPO) mentioned in this privacy notice who will explain this in more detail.



ABOUT US

We, at Friarwood Surgery are responsible for collecting, storing and handling your information when you are registered with us as a patient. Because we do this, the law says we are the data controller. Sometimes we may use your information for a particular purpose and, when we do so, the law says we are the data processor.

WHAT INFORMATION DO WE HOLD ABOUT YOU?

Personal information is anything that identifies you as a person and we all have personal information. Personal information that tells us something about you includes:

- Your name
- Address
- Mobile number
- Information about your parent(s) or person with parental responsibility
- All your health records
- Appointment records
- Treatments you have had
- Medicines prescribed for you and any other information to help us look after you



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HOW DO WE KEEP IT SAFE?

- The law says that we must do all we can to keep your information private, safe and secure.
- We use secure computer systems, and we make sure that any written information held about you is under lock and key and kept in a safe place. This includes taking great care with any passwords we use which we change on a regular basis. We also train our staff to respect your privacy and deal with your information in a manner that makes sure it is always kept and dealt with in a safe way.



WHAT DO WE DO WITH YOUR INFORMATION?

- We only usually use your information to help us care for you. That means we might need to share your information with other people who are concerned and involved with looking after your health.
- We might need to share your information with the police, courts, social services, solicitors and other people who have a right to your information, but we always make sure that they have a legal right to see it (or have a copy of it) before we provide it to them.

WHO ELSE WILL SEE MY INFORMATION?

Usually only doctors, nurses and other people who work with us are allowed to see your information.

Sometimes though, if you need to go to the hospital or be seen by a special doctor, we will share your information with them but this is only so that we can take care of you.



- Sometimes we might be asked to take part in medical research that might help you in the future. We will always ask you or your parent(s) or adult with parental responsibility if we can share your information if this happens.

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- Possibly the police, social services, the courts and other organisations and people who may have a legal right to see your information.

WHAT IF I WANT TO SEE MY INFORMATION YOU HOLD ABOUT ME?

- If you want to see what information we hold about you then you have a right to see it and you can ask for it.
- To ask for your information you will usually need to put your request in writing and tell us what information you want us to give you.
- We usually need to answer you within one month. Your parent(s) or adult with parental responsibility can help you with this if you need help.
- We will give this to you free of charge.
- If you think there are any errors in the information we hold about you then you can ask us to correct it but the law says we cannot remove any of the information we hold about you even if you ask us to. This is because we need this information to take care of you.
- You have a right to ask us not to share your information.
- If you would like to talk to us about not sharing your information, even if this means you do not want us to share your information with your parent(s) or adult with parental responsibility, please let us know. We will be happy to help.



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WHAT IF I WANT TO OPT OUT OF SHARING MY DATA?

National opt-out facility

You can choose to opt out of sharing your confidential patient information for research and planning. There may still be times when your confidential patient information is used; for example, during an epidemic where there might be a risk to you or to other people's health. You can also still consent to take part in a specific research project.

Your confidential patient information will still be used for your individual care. Choosing to opt out will not affect your care and treatment.

You do not need to do anything if you are happy about how your confidential patient information is used.

If you do not want your confidential patient information to be used for research and planning, you can choose to opt out by using one of the following methods:

- Online service – Patients registering need to know their NHS number or their postcode as registered at their GP practice – <https://www.nhs.uk/your-nhs-data-matters/manage-your-choice/>
- Telephone service 0300 303 5678 which is open Monday to Friday between 0900 and 1700.
- NHS App – For use by patients aged 13 and over (95% of surgeries are now connected to the NHS App). The app can be downloaded from the App Store or Google Play.
- "Print and post" registration form: https://assets.nhs.uk/prod/documents/Manage_your_choice_1.1.pdf

Photocopies of proof of applicant's name (e.g., passport, UK driving licence etc.) and address (e.g., utility bill, payslip etc.) need to be sent with the application. It can take up to 14 days to process the form once it arrives at NHS, PO Box 884, Leeds, LS1 9TZ.

Note: Unfortunately, the national data opt-out cannot be applied by this organisation



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General practice data for planning and research opt out (GDPR)

The NHS needs data about the patients it treats to plan and deliver its services and to ensure that the care and treatment provided is safe and effective. The General Practice Data for Planning and Research data collection will help the NHS to improve health and care services for everyone by collecting patient data that can be used to do this. For example, your data can help the NHS to:

- Monitor the long-term safety and effectiveness of care
- Plan how to deliver better health and care services
- Prevent the spread of infectious diseases
- Identify new treatments and medicines through health research

GP practices already share patient data for these purposes but this new data collection will be more efficient and effective. Contributing to research projects will benefit us all as better and safer treatments are introduced more quickly and effectively without compromising your privacy and confidentiality.

What patient data is shared about you with NHS Digital

Patient data will be collected from GP medical records about:

- Any living patient registered at a GP practice in England when the collection started – this includes children and adults
- Any patient who died after the data collection started, and was previously registered at a GP practice in England when the data collection started

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They will not collect your name or where you live. Any other data that could directly identify you, for example NHS number, General Practice Local Patient Number, postcode and date of birth, is replaced with unique codes which are produced by de-identification software before the data is shared with NHS Digital.

Opting out of NHS Digital collecting patient data (Type 1 opt-out)

If you do not want your identifiable patient data to be shared outside of your GP practice for purposes except for your own care, you can register an opt-out with your own GP practice. This is known as a Type 1 Opt-out.

You can register a Type 1 Opt-out at any time and you can also change your mind at any time and withdraw a Type 1 Opt-out.

WHAT IF I HAVE A QUESTION?

Should you have any questions about our privacy policy or the information we hold about you, you can:

- Contact the organisation via email at wycb-wak.friarwoodsurgery@nhs.net. GP practices are data controllers for the data they hold about their patients
- Write to the data protection officer at Friarwood Surgery. Carleton Glen, Pontefract, WF8 1SU
- Ask to speak to the practice manager

The data protection officer (DPO) for Friarwood Surgery is (TBA)



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WHAT IF I HAVE A SERIOUS COMPLAINT ABOUT HOW YOU LOOK AFTER MY INFORMATION?

In the unlikely event that you are unhappy with any element of our data processing methods, do please contact the practice manager at Friarwood Surgery in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the ICO. For further details, visit ico.gov.uk and select “Raising a concern” or telephone: 0303 123 1113.

The Information Commissioner’s Office is the regulator for the General Data Processing Regulations and offers independent advice and guidance on the law and personal data including your rights and how to access your personal information.



UPDATES TO THIS PRIVACY NOTICE

- The law says we must keep all information we provide in this PRIVACY NOTICE up to date.
- This privacy notice was last updated on 01.11.22 and will be reviewed on 01.11.2023